

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

ZON LED, LLC,)	
)	
Plaintiff,)	
v.)	Case No. CIV-16-1090-D
)	
POWER PARTNERS, INC., <i>et al.</i> ,)	
)	
Defendants.)	

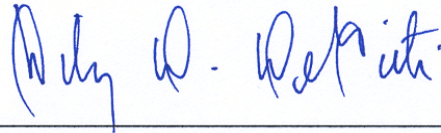
ORDER

Upon examination of the Complaint, the Court finds insufficient factual allegations to establish the existence of federal subject matter jurisdiction based on diversity of citizenship under 28 U.S.C. § 1332, as asserted by Plaintiff.¹ For jurisdictional purposes, a limited liability company is not treated like a corporation under 28 U.S.C. § 1332(c), but like a limited partnership or other unincorporated association under *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195-96 (1990). *See Siloam Springs Hotel, L.L.C. v. Century Surety Co.*, 781 F.3d 1233, 1237-38 (10th Cir. 2015). The Complaint fails to allege the citizenship of the members or constituents of Plaintiff Zon LED, LLC, a limited liability company, and, therefore, fails to allege its citizenship. Further, the Complaint fails to allege the principal place of business of Defendant Inventronics USA, Inc., a corporation, as required to establish its citizenship under § 1332(c)(1).

¹ The Court has “an independent obligation to determine whether subject-matter jurisdiction exists” and may raise the issue *sua sponte* at any time. *Image Software, Inc. v. Reynolds & Reynolds Co.*, 459 F.3d 1044, 1048 (10th Cir. 2006); *see Arbaugh v. Y&H Corp.*, 546 U.S. 500-506 (2006).

IT IS THEREFORE ORDERED that Plaintiff shall file an amended pleading that states a basis for federal jurisdiction within 14 days from the date of this Order.

IT IS SO ORDERED this 12th day of January, 2017.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE